



House of Commons  
Welsh Affairs Committee

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# Work of the Committee 2008–09

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**Third Report of Session 2009-10**

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## The Welsh Affairs Committee

The Welsh Affairs Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Office of the Secretary of State for Wales (including relations with the National Assembly for Wales).

### Current membership

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Mr David T.C. Davies MP (*Conservative, Monmouth*)  
Ms Nia Griffith MP (*Labour, Llanelli*)  
Mrs Siân C. James MP (*Labour, Swansea East*)  
Mr David Jones MP (*Conservative, Clwyd West*)  
Mr Martyn Jones MP (*Labour, Clwyd South*)  
Rt Hon Alun Michael MP (*Labour and Co-operative, Cardiff South and Penarth*)  
Mr Albert Owen MP (*Labour, Ynys Môn*)  
Mr Mark Pritchard MP (*Conservative, The Wrekin*)  
Mr Mark Williams MP (*Liberal Democrat, Ceredigion*)  
Mr Hywel Williams MP (*Plaid Cymru, Caernarfon*)

### Powers

The committee is one of the Departmental select committees, the powers of which are set out in House of Commons Standing Orders, principally in SO No 152. These are available on the Internet via [www.parliament.uk](http://www.parliament.uk).

### Publications

The reports and evidence of the Committee are published by The Stationery Office by Order of the House. All publications of the Committee (including press notices) are on the internet at [www.parliament.uk/parliamentary\\_committees/welsh\\_affairs\\_committee.cfm](http://www.parliament.uk/parliamentary_committees/welsh_affairs_committee.cfm).

### Committee staff

The current staff of the Committee is Dr Sue Griffiths (Clerk), Alison Groves (Second Clerk), Anwen Rees (Inquiry Manager), Christine Randall (Senior Committee Assistant), Annabel Goddard (Committee Assistant), Tes Stranger (Committee Support Assistant) and Rebecca Jones (Media Officer).

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# 1 Introduction

1. This session has been the busiest in the Committee's history, and we have produced a greater body of work than ever before. We are particularly grateful to the staff of the Committee who have given us tremendous support and enabled us to maintain a consistently high quality in our inquiries and Reports. The scrutiny of Legislative Competence Orders in Council has effectively doubled our work load, but we were determined that this work would not distract us from our normal range of inquiries into issues affecting the people of Wales in areas as diverse as health, education and transport provision, digital inclusion, the effects of globalisation, ports in Wales and the impact of the 2012 Olympic and Paralympic games. In addition, the implications of the closure of the Legal Services Commission Office in Cardiff and issues surrounding English Language Television Broadcasting in Wales caused us significant concern. We undertook additional urgent inquiries to ensure these issues were addressed.

2. This Report is the ninth annual report from the Welsh Affairs Committee to the House and covers the work of the Committee during the 2008-09 Session. In May 2002 the House agreed a resolution setting out "illustrative tasks" for select committees. In June 2002 the Chairman of the Liaison Committee wrote to all committees setting out guidance on committee objectives and core tasks, with the intention that those core tasks be reflected in committees' annual reports. Since 2003, a number of committees have set out their achievements against those common objectives and core tasks in tabular form. The Liaison Committee welcomed that approach and encouraged other committees to adopt that practice.

**Table 3 Core tasks of Select Committees** (In this Table, entries under Department refer to Government Departments scrutinised by the Committee and are not restricted to the Wales Office)

	To examine Government and Commission Policy Proposals	Examination of emerging policy, or deficiencies	Draft Legislation	Examine departmental output	Expenditure	Public Service Agreements	Associated Public Bodies	Major Appointments	Implementation of Legislation	Evidence from Minister
Cross-border provision of public services for Wales: Further and higher education	✓	✓		✓	✓		✓			✓
Globalisation and its impact on Wales	✓	✓					✓			✓
Proposed Legislative Competence Order (Agriculture and Rural Development) Order	✓	✓	✓				✓			✓

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relating to the red meat industry										
The provision of cross-border health services for Wales	✓	✓		✓			✓			✓
Proposed Legislative Competence Order (Social welfare) Order relating to carers	✓	✓	✓							✓
Legal Services Commission Cardiff Office	✓	✓		✓			✓			✓
Potential Benefits of the 2012 Olympics and Paralympics for Wales	✓	✓					✓			✓
Proposed Legislative Competence Order (Welsh Language) Order	✓	✓	✓	✓			✓			✓
Cross-border provision of public services for Wales: Transport	✓	✓		✓			✓			✓
English Language Television Broadcasting in Wales	✓	✓								✓
Proposed Legislative Competence Order (Environment) Order	✓	✓	✓	✓			✓		✓	✓
Digital Inclusion in Wales	✓	✓					✓			✓
Proposed Legislative Competence Order (Health And Health Services and Social Welfare) Order relating to mental health	✓	✓	✓	✓			✓			✓
Ports in Wales	✓	✓		✓			✓			✓
Wales Office Annual Report 2009	✓	✓		✓	✓		✓			✓
Potential Benefits of the 2012 Olympics and Paralympics for Wales: follow-up	✓	✓			✓		✓			✓
Proposed Legislative Competence Order (Culture)	✓	✓	✓	✓						✓
Proposed Legislative Competence Order (Housing) Order relating to domestic fire safety	✓	✓	✓	✓					✓	✓

3. The Welsh Affairs Committee's role differs from that of many departmental select committees. While an important part of our role is to scrutinise the Wales Office, that Department does not carry out the same range of functions as most other departments of state. As the Secretary of State said in evidence to the Committee "we are not a spending department".<sup>1</sup> Rather, the Secretary of State for Wales is the key Government figure liaising with the devolved administration in Wales and represents Wales' interests in the Cabinet and in Parliament.<sup>2</sup> Therefore many of the core objectives set out by the Liaison Committee have to be adapted in respect of the Welsh Affairs Committee and we have an important role in considering the relationship between the National Assembly for Wales and the Welsh Assembly Government on the one hand and government departments on the other. We also maintain a specific interest in the role of the Wales Office in nurturing and challenging both sides of this equation. The Wales Office does not have responsibility for any public bodies or agencies or oversee major appointments and its public service agreements come under the Ministry of Justice. It is very important indeed for us to examine how decisions in these areas may affect Wales.

### Policy scrutiny

4. Scrutiny of government policy is a core task of select committees. During the 2008-09 session the Committee was involved in 19 inquiries and published 15 Reports. The inquiries which were not connected to the pre-legislative scrutiny of Legislative Competence Orders were:

- Cross-border provision of public services for Wales: Further and higher education;
- Globalisation and its impact on Wales;
- The provision of cross-border health services for Wales;
- Legal Services Commission Cardiff Office;
- Potential Benefits of the 2012 Olympics and Paralympics for Wales;
- Cross-border provision of public services for Wales: Transport;
- English Language Television Broadcasting in Wales;
- Digital Inclusion in Wales;
- Ports in Wales;
- Wales Office Annual Report 2009; and
- Potential Benefits of the 2012 Olympics and Paralympics for Wales: follow-up.

5. The key role of the Wales Office is to ensure that the work of other departments recognises the particular circumstances and needs of Wales (where delivery is direct);

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<sup>1</sup> Evidence to the Welsh Affairs Committee on the Wales Office Annual Report, 24 July 2007, Q 6, HC 1017-I, Session 2006-07

<sup>2</sup> [www.walesoffice.gov.uk](http://www.walesoffice.gov.uk)

addresses cross-border issues (when delivering similar services to those that are provided by the Welsh Assembly Government); and recognises the nature and scale of the devolution settlement. Our inquiries covered the work of the Wales Office, the Department for Innovation, Universities and Skills, the Department of Health, the Ministry of Justice, the Department for Culture, Media and Sport, the UK Border Agency and the Department for Transport, as well as that of the BBC, Ofcom, the London Organising Committee of the Olympic Games and Paralympic Games and others.

6. The Committee has a very important role to play in providing a link between the UK Government and the National Assembly for Wales. That role is reflected in the words of Standing Order Number 152 which, in addition to the usual paragraph requiring us to scrutinise the expenditure, administration and policy of the Wales Office, adds the duty of establishing and maintaining relations with the National Assembly for Wales on behalf of the House of Commons.<sup>3</sup> Under this heading, the Committee's role in the pre-legislative scrutiny of Welsh Assembly Government proposed Legislative Competence Orders in Council has been very significant during the session. The Committee's work in this area is considered in more detail later in this Report.

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<sup>3</sup> Standing Order 152

## 2 Examining emerging issues and policy

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### Cross-border provision of public services for Wales: Further and higher education

7. In November 2007 we launched a wide-ranging inquiry into the provision of cross-border public services for Wales. Public services in England and Wales are accessed by people from both nations. However, we were given evidence to suggest that since devolution in 1999, policy makers in both London and Cardiff are failing to consider the impact of policy on the natural flow of people across the Welsh-English border. Our first Report of this session focused on the way in which cross-border issues affect the quality and delivery of further and higher education services in Wales. We heard oral evidence and received written evidence from a range of colleges, universities, education and business organisations.

8. The Committee's report was published on 16 January 2009. We concluded that the decision-making process on each side of the border needs to be more co-ordinated, coherent and transparent. Democratic devolution means that decisions should be taken in England and in Wales that are in the best interests of the local population. However, Governments must also look at the consequences of these decisions on the whole UK population, particularly those living in close proximity to the border. The Wales Office should be the voice of Wales in Westminster, but with regard to the development of higher education policy, it has failed to make the UK Government factor Wales into its planning. There needs to be a more active acknowledgement of the particular circumstances and needs of Wales, better coordination with the Welsh Assembly Government and an increased awareness within the funding bodies of the UK dimensions of their decisions.

9. We made the following recommendations in our report:

#### **Further Education**

- Cross-border arrangements seem more focussed on the convenience of providers than the goal of inspiring would-be students.
- There is not only a need for some further education learners to cross the border to attend college, but it should be welcomed and encouraged. The Learning and Skills Council and the Welsh Assembly Government should take steps to improve the level of cooperation, and encourage further education institutions to provide information to all potential or prospective learners, bearing in mind that the nearest convenient college or nearest provider of specialist courses could be across the border.
- One advantage of devolution is that different administrations can learn from each other's successes, and we feel the UK and Welsh Assembly Governments could learn lessons from cross-border programmes.
- Employers need clearer information about government training schemes available on each side of the border. The Department for Innovation, Universities and Skills

(now DBIS) and the Welsh Assembly Government should work together to ensure that employers understand the support available to them.

- There is a need for greater transparency in the way that the Welsh Assembly Government and UK Government and their respective agencies collaborate.

### Higher Education

- The higher education sector in Wales receives a smaller share of UK research funding than would be expected from its relative size. Higher education institutions in Wales will be disadvantaged if the funding gap continues to grow, which will make it increasingly difficult for them to compete on an equal basis with English institutions for research funding. This will have a significant and negative impact on the economy of Wales. The Department for Innovation, Universities and Skills (now DBIS) should prepare and publish a report on the varying levels of research investment across the different nations and regions of the UK, together with an explanation of the variation and steps which could be taken to achieve a more equitable distribution.
- Because of its relative size, changes to the higher education sector in England will inevitably have an impact throughout the rest of the UK. The Department should ensure that the devolved administrations are fully consulted before any further decisions are made with regard to future higher education policy in England. We look to the Wales Office to ensure that this happens.

10. The Government published its response to the Committee's report on 30 March 2009, and acknowledged that, in the context of links between the Wales Office and the UK Government, "the Wales Office is working to improve communications." The report also noted that "meetings have been established between HE [higher education] policy officers in the WAG [Welsh Assembly Government] and other devolved administrations. Opportunities to introduce these on a more regular systemic basis are being considered".

11. The Committee hosted a breakfast meeting between Higher Education Wales and Welsh MPs in spring 2009. During the session, Welsh members were able to discuss the challenges and opportunities facing the university sector, in the context of devolution.

12. We intend to follow-up our inquiry into cross-border public services with evidence sessions to ensure that progress continues to be made in line with our recommendations.

### Globalisation and its impact on Wales

13. In the twenty-first century, the economy of Wales cannot be considered in isolation, but must be seen in the context of global opportunities and threats. In February, we concluded our long-running inquiry into *Globalisation and its impact on Wales*, which considered how Wales can maximise the economic return that can be derived from global trade by successfully negotiating the transition to new forms of economic activity. During our inquiry the effect of globalisation was thrown into stark relief with the advent of the financial crisis, which demonstrated the fundamental inter-connectedness of global economies. We hope that our conclusions will prove particularly valuable in this context.

14. Our Report focused on four key areas:

- **Employment and skills**—Skills will be crucial to Wales’s ability to weather the economic downturn as well as to prospects for long term growth. We concluded that more work needs to be done to ensure that the Welsh population has the basic numeracy, literacy and interpersonal skills to compete with countries around the world. These will also form a basis for lifelong learning, which is likely to become ever more important as the pace of globalisation increases and economic demands shift more rapidly. In the coming years graduate-level specialist and technical skills will be the mainstay of developed economies. But we found that the role of the university goes further: universities have the potential to lead the knowledge economy in Wales, facilitating knowledge transfer for innovation and raising skill and productivity levels in the labour force. For this transfer to take place effectively, academia needs to work in harmony with business. We recommended 'hub' models, where small companies cluster around a university campus in order to take advantage of academic innovation and global research networks, as a way to encourage productive and mutually beneficial contacts between business and higher education.
- **Food production and supply**—To make the most of globalisation, Wales must exploit its strong local identity and values. Our inquiry convinced us that adaptation to globalisation should not involve adopting a 'neutral' brand identity. On the contrary, it is the power of localism that will provide a foundation from which to approach the world. Wales has particular strengths in food and drink, hospitality and tourism. Today, small businesses make up the vast majority of its business stock. These are often at the forefront of innovation, but place great value on their local origins and character. This is a powerful combination of assets, which can be harnessed to the benefit of the Welsh economy. Small businesses may find the prospect of entering the global marketplace daunting, but with the right support and by joining forces and working collaboratively, the sector has the potential to add significantly to Wales’s prosperity.
- **Broadcasting and the creative industries**—This sector is another strength for Wales, with a number of recent successes in the creative industries. However, globalisation poses challenges to the traditional model of public service broadcasting. New media have transformed the transmission of concepts and products around the world and governments need to plan carefully to ensure that a plurality of provision is maintained, particularly in the key areas of news and information. The evidence we gathered during our inquiry laid the foundations for our later inquiries, focusing specifically on digital inclusion in Wales and English language television broadcasting.
- **Population and population movement**—Increased population mobility is a feature of globalisation. The evidence we gathered during this inquiry coincided with a peak in economic migration into Wales from the A8 accession countries joining the European Union in 2004. This is the most recent example of population movement into Wales, which has a long history of inward migration, with some incomers choosing to settle in the country and others staying only for short periods. We found that migration overall represents a sizeable economic boost for

Wales. However, migrant workers do have particular needs which must be supported, including the provision of information about services and employment rights and the translation of documents and services into languages other than Welsh and English. Equally, in areas which have experienced high levels of inward migration in a short period, the increased demand for services can be challenging for local authorities to meet. We concluded that there is a pressing need for improved methods of data collection concerning the numbers of migrants in particular areas and their likely period of residence in order to inform decision-making and planning for additional pressure on local services.

15. This was an extremely wide-ranging inquiry and the Committee will continue to monitor a number of the issues raised by witnesses in the coming months and years. For example, in our follow-up cross-border inquiry, we will pay particular attention to the effect of the economic downturn on public services and the relative success of economic development initiatives on each side of the border.

### **The provision of cross-border health services for Wales**

16. The Committee published an interim Report into the provision of cross-border health services in July 2008, and our final Report in March 2009. We decided to publish an interim Report on our findings in this inquiry in order to contribute to discussions in several key areas that were taking place at that time; including a proposed protocol between the Department of Health and the Welsh Assembly Government, the proposed restructuring of the NHS in Wales, and Mr James Steers's review of neurosciences services for Welsh patients. That the Government delayed responding to our interim Report for 6 months is unacceptable.

17. In our final Report we returned to the four key criteria for cross-border health policy we identified in our interim Report as needing to be taken into consideration by the Department of Health and the Welsh Assembly Government.

### ***Clinical excellence as close to home as possible***

18. We concluded that cross-border movements between England and Wales have been a fact of life for many years, and there is no practical or realistic prospect of diverting these well established flows, nor would it be desirable to do so. Health providers in England and Wales need to maintain close links to ensure that patients receive the treatment they need regardless of their country of residence. We noted that this would require commitment and good will from those concerned with policy and delivery by the NHS on either side of the border and a readiness to adapt funding and other arrangements to meet the reality of different bureaucratic processes. Divergent policies should be implemented in a way which accommodates the continuing flow of patients across the border.

### ***Border proofing of policy and practice***

19. We identified a clear lack of co-ordination between the UK and the Welsh Assembly governments, with the potentially serious consequences of leaving individual organisations to cope with the resulting tensions raised by different funding and commissioning arrangements in Wales and England. We concluded that the opportunity for financial

pressure to distort the provision of health services must be removed. The solution must involve a sustainable and enforceable long-term agreement between the relevant Ministers and Departments so that future disputes would be avoided. We considered that an improved government-led protocol was essential to standardise and clarify arrangements and accountability mechanisms. We had recommended this in our interim report and were disappointed that the protocol had not been published for consultation by the time of our final Report.

### ***Cross-border citizen engagement***

20. We further identified that patients on both sides of the border were generally unaware of the potential for divergence between the two health services. Better information for patients must be made available, particularly in immediate border areas where the choice of a Welsh or English GP may have implications for later care.

21. The Committee was encouraged by the examples we were given of English hospitals including a cross-border dimension in their management structures. We recommended that the Department of Health include citizen engagement and patient ownership of cross-border services in negotiations with the Welsh Assembly Government to ensure that residents' rights to services across the border in both directions are protected.

### ***Transparent and accountable co-operation between localities, regions and governments***

22. We concluded that the decision-making process on each side of the border needed to be more co-ordinated, more coherent and more transparent. A better and more public interface between the Department of Health and the Welsh Assembly Government was needed, and patients should be able to understand the framework in which they would receive treatment.

23. The Government published its response to our Report in June 2009. It confirmed that a revised cross border protocol for healthcare services had been agreed with the Welsh Assembly Government, which would be effective from 1 April 2009 to 31 March 2011. The revised protocol is broader in scope than the previous interim protocol as a result of a new financial framework which would provide greater clarity on commissioning and funding arrangements and will lead to improvements for patients who live along the border.

24. We were encouraged to note that the UK Government and the Welsh Assembly Government were developing a framework to respond to changing health policies in both countries and noted the Government's comment that because policy on both sides of the border is dynamic, it does not think it practical to have an inflexible protocol set in stone. But it is important to have a protocol and framework in place that provides clarity for all while allowing both sides to respond to local implication of policy changes. The Government acknowledged that in some areas, including patient awareness, care pathways and waiting times, further clarity and guidance were needed.

25. The Government agreed that the border does not and should not represent a barrier to the provision of health care. In its response the Government states that the impact of devolution on the NHS has been positive, allowing nations to learn from the experiences of

others, and that the benefits have outweighed the minor administrative challenges. While devolution has led to some divergence in policies, the core, defining principles of the NHS continue to apply across the UK.

26. We were pleased to note that the Department of Health will continue to engage with the Welsh Assembly Government and NHS organisations to identify issues affecting patients in border areas. We will follow-up our inquiry into cross-border public health services and take evidence from Ministers on both sides of the border to ensure that progress continues to be made in line with our Report's recommendations.

### Legal Services Commission Cardiff Office

27. In spring 2009, we held an urgent inquiry into the proposed restructuring of the Legal Services Commission, an agency of the Ministry of Justice which is responsible for the provision of legal aid in England and Wales. The proposed changes included a significant reduction in the operations of the Commission's Cardiff office, the only one of its offices located in Wales, with functions being transferred to processing centres in England.

28. Our evidence showed that the Legal Services Commission had failed to include the Wales Office in any form of consultation regarding the proposed changes to its Cardiff office. The extent of consultation with the Welsh Assembly Government and other stakeholders prior to the announcement of the restructuring was also extremely limited. During his appearance before the Committee, Lord Bach, Parliamentary Under Secretary of State at the Ministry of Justice, acknowledged that there had been insufficient consultation about the potential impact of the proposed changes on legal aid in Wales and said that both the Commission and the Ministry would "learn a lesson" from the experience.<sup>4</sup>

29. We published our Report on 1 May, recommending that no change to the functions of the Cardiff office should be implemented until thorough and genuine consultation has taken place to determine its likely impact on levels of service. We were particularly concerned that the proposed changes were put forward in the context of continuing legal divergence post devolution. The Commission needs adequate expertise for interpreting Welsh legislation and must continue to provide high quality bilingual services. Despite the Commission's assurances, we were not confident that the quality of Welsh services could be maintained from outside Wales.

30. The Government's response to our Report announced that any changes to the Cardiff office would be postponed pending further consultation:

The LSC has postponed the planned removal of processing work from the Cardiff Office from 2009/10 to 2010/11. This will enable sufficient time for them to conduct further discussions with the Wales Office and the Welsh Assembly Government, to fully explain the proposals and ensure that appropriate measures are in place to maintain the quality of service for Welsh clients and providers. Both the Ministry of Justice and the LSC accept the Committee's findings that the level of consultation on the decision to remove processing work from Cardiff was inadequate.

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<sup>4</sup> Welsh Affairs Committee, Seventh Report of Session 2008-09, *Legal Services Commission Cardiff Office*, paragraph 16.

31. We welcome this outcome. However, it appears that Whitehall guidance on the consultation procedures that must be followed when dealing with devolved areas of the UK has now been misunderstood on a number of occasions. This is why we decided to conduct an in-depth investigation of the protocols relating to the devolution settlement and its observation throughout government in a new inquiry into *Wales and Whitehall*, which will take place in the 2009-10 session.

### Potential Benefits of the 2012 Olympics and Paralympics for Wales

32. Our inquiry into the potential benefits of the 2012 Olympics and Paralympics in Wales stemmed from our belief that any benefits from the 2012 Games should be felt in Wales and not only in London and the South East of England.

33. Our inquiry found that it is as yet uncertain whether Wales will benefit from the 2012 Games. Few events will be held in Wales and it not predicted that Wales will benefit greatly from tourism generated by the Games. We noted that the original bid had missed an opportunity to locate events in Wales and that in the current period of financial uncertainty it seems misguided for the Government to build expensive new venues for mountain biking and the canoe slalom when Wales already has highly suitable facilities for such events.

34. In our Report, we particularly recognised Wales's achievements regarding the development of disability sports. We heard from witnesses how the model of twenty-two Disability Sport Development Officers ensured that the programme is provided and delivered across every local authority in Wales. The Committee highlighted how the rest of the UK can learn from Wales's community programme and its academy structure, and the London Games will provide an opportunity to increase interest in disability sports and to build on what has already been achieved.

35. We also welcomed the fact that Wales's first class facilities were included in the list of pre-Games training camps. This identified venues in which teams and individuals could choose to prepare for London 2012. We congratulated the Welsh Assembly Government, the Wales Office and sporting organisations in Wales for the progress they had already made in promoting Wales and its facilities.

36. In response to our Report, the Government "did not accept the Committee's view that it was misguided" for the Government to build new venues. It stated that London had won the bid on the promise of a compact Games, which although this did not ordinarily apply to sailing events or the football competition, "in no way affects the need for other sports to be hosted near to the Olympic Village". The Government recognised the need to work with the Welsh Assembly Government and other key stakeholders, to try and ensure that the UK athletes at London 2012 Games were able to use the facilities in Wales.

37. Our inquiry concluded that there was little evidence that Welsh businesses had succeeded in seizing the opportunity afforded by Olympic and Paralympic contracts. We urged the private sector in Wales to seize these opportunities. We criticised the lack of a supply chain database, which makes it almost impossible to ascertain the benefits of the Olympics to businesses in Wales. In its reply, the Government announced that the Olympic Delivery Authority [ODA] was currently conducting research in its supply chains

for each nation and region. It agreed to “ensure that the Committee received details of the names of Welsh companies identified through the ODA’s research once this information becomes available and will provide further updates over the next three years.”

38. We will continue to monitor the benefits Wales receives in the run-up to the 2012 Olympic and Paralympic Games. We held a follow-up evidence session in November with representatives of local government who had succeeded in attracting foreign teams to base themselves in Wales for pre-Games training camps. We also heard from the Welsh Assembly Government. We will re-visit aspects of the inquiry again in the next session to ensure that Wales draws maximum benefit from this event, which should have a positive social and economic impact across the whole of the UK.

### Cross-border provision of public services for Wales: Transport

39. In July, we published our Report on the final strand of our long-running inquiry into cross-border public services in Wales, dealing with transport. The Report studied the cross-border connectivity of the Welsh transport network, including road, rail and air travel. The Welsh economy is sustained and developed by links across the border, primarily the south Wales to London road and rail corridor and in the north where the West Cheshire, Wirral and north east Wales area forms a sub-region with shared economic, social and environmental interests. In more rural areas, such as mid-Wales, the social importance of cross-border links is significant. We found that responsibility for transport policy is fragmented, with the Department for Transport, the Welsh Assembly Government and local authorities all playing an important role. We concluded that some improvements to the cross-border transport network are being held back because of a failure to co-ordinate policy between these parties.

40. Our inquiry made the following specific recommendations:

- Rail—improvement schemes are too often evaluated only on their local benefits, rather than strategically across a wider region. There is significant scope for greater co-ordination of the different rail franchises. There has been a general failure to predict the increase in rail passenger demand and in consequence insufficient rolling stock is available on certain routes particularly at busy times. This is highly disappointing, coming at a time when all relevant bodies at every level of government are trying to persuade commuters to switch from car to public transport. High peak fares are also a disincentive to change transport modes. We urged Ministers to press Network Rail to give priority to driving up performance in the short term and most importantly to plan for earlier electrification of the Great Western Main Line, which would represent a significant economic boost for South Wales.
- Road—improvement works are being held back by a failure to plan projects at strategic level. Routes of importance to those travelling between Wales and England are not receiving investment because they are not seen as local priorities for the English regions. We urged the Secretary of State for Transport to review these arrangements urgently and to put in place arrangements that are open and transparent and which clearly engage the Department and the Welsh Assembly Government in a joined-up and strategic approach to forward planning.

- Bus travel—The funding mechanisms and entitlements for concessionary bus passes in Wales and England are not currently compatible. Although arrangements have been put in place to deal with most anomalies in very local travel across the border, it is now time to remove the anomalies for those travelling longer distances. We were not convinced that this had been seriously considered and explored at a strategic level.
- Air—Many Welsh passengers rely on airports in England, either due to geographical proximity or because Cardiff Airport does not serve the destinations they need. However, public transport links from Wales to Liverpool, Manchester and Birmingham airports are inadequate, generating significant cross-border road traffic, which could be transferred to buses or trains. Efforts to improve the situation have been held back due to the lack of any cross-border strategic view or associated funding and regional authorities seem unwilling to look beyond their own borders. Cross-border traffic could also be reduced if Cardiff Airport served more destinations. In addition, opportunities for the promotion of Wales as a destination for inward visitors are being missed and the potential economic benefits of existing air services are not being maximised because airports, local authorities and VisitWales are not working with a common purpose.

41. After the publication of our Report, the Transport Secretary, Lord Adonis, announced plans to electrify the main rail route between London and Swansea. As our Report noted, it is essential that electrification is introduced on the whole rail route from London to Swansea. This would improve reliability and performance and reduce journey times, as well as bringing benefits in terms of environmental impact and the security and diversity of energy supply. We warmly welcome the Government's plans for electrification and look forward to what should eventually be a significantly better service for passengers travelling between London and Swansea.

### English Language Television Broadcasting in Wales

42. We decided to undertake a short inquiry into the provision of English language programmes for the television audience in Wales. Concerns had been raised in a Report published by the National Assembly for Wales and reports from other interested parties in Wales, following publication of Ofcom's Review *Putting Viewers First*. We were also concerned about the effect the financial difficulties experienced by ITV Wales could have on English language programming in Wales. In addition, the Report formed our response to the Department of Culture, Media and Sport's consultation on *Sustainable independent and impartial news; in the Nations, locally and in the regions*. Our inquiry focussed on three key themes – plurality in the provision of news in English for viewers and listeners in Wales, the cultural deficit in the broadcasting of Welsh culture in English for an audience in Wales, and the geographical imbalance of production in UK broadcasting.

43. We remain deeply concerned about the current and future status of English-language television broadcasting in Wales, particularly in the provision of news. During our inquiry it became clear to us that plurality is under serious threat, and that unless the outlook for ITV's finances changes, viewers will effectively have no choice in English-language news broadcasting in Wales from 2010. We consider it essential that the 'information gap' in

Wales is addressed promptly. We recommended that the Government identify sources of funding to provide a second high quality English news service in Wales.

44. We noted that there is almost a complete lack of alternative non-news programming reflecting Welsh culture and produced in Wales for an English-speaking audience and considered it essential that this cultural deficit is explicitly addressed and ways to address the shortfall identified.

45. We were pleased to hear the BBC's plans to move more production to Wales, but we hope to see further movement of TV production for all channels from the south east of England to the regions and nations, and encouraged commissioners to consider the whole of Wales when planning production activities.

46. In its response to our Report, the Government said that the Committee's findings are an important contribution to the debate on plurality of public service content and the implementation of *Digital Britain*. A government consultation on sustainable, independent and impartial news in the Nations, locally and in the regions has recently concluded, and we look forward to the Government's conclusions on its plans for independently funded news consortia (IFNC), and the funding options for IFNC pilots, one of which will be in Wales. We note that the Government's priority is to focus on provision of news in the nations, locally and in the regions, and we are also pleased that the Government has acknowledged that plural provision of original UK or nations content for children is seen as important. We look forward to being advised of the Government's conclusions and proposals for adequate funding to support public service content in Wales, particularly in the provision of news.

## Digital Inclusion in Wales

47. We decided to undertake an inquiry relating to digital inclusion in Wales and the actions being taken to promote greater digital and social inclusion.

48. We were encouraged to note that there is no evidence that digital exclusion in Wales is significantly greater or different in nature compared to the rest of the UK, but there are factors, including low income and sparsely populated rural areas, which are of particular relevance to Wales. We identified that there is low take up of digital technology in particular communities in Wales and recommended that further research on how this should be overcome is needed. The special needs of the Welsh speaking population also need to be taken into account. We further identified that the lack of broadband access causes real problems to people in Wales, and urged that the eradication of 'notspots' should receive priority attention.

49. In its response to our Report, the Government acknowledged that more needed to be done and it would need to work with colleagues in Wales to ensure maximum results were achieved. It also acknowledged our concerns regarding Welsh language issues and commented that the role of the Champion for Digital Inclusion principally related to advising the Government on England only policies. We are pleased that the Government has and will continue to work with the Welsh Assembly Government to ensure full consideration is given to the need to provide an equality of service for Welsh speakers.

50. The Government also recognised the difficulties Wales faces in regard to broadband ‘notspots’ and commented that its desire is to achieve a minimum of 2Mbps in all parts of the UK, to support investment in Next Generation Broadband in areas the market might otherwise not reach, and to achieve universal coverage of mobile broadband. The Government anticipated that the means of achieving a high level of coverage will principally be regulatory, though mobile solutions may be a means of delivering the universal service obligation, in which case public spending would have a role.

51. We note the Government’s response to our concerns about slow progress in achieving universal access to digital radio services throughout Wales, and the Government’s comment that it is prepared to act, including changing legislation on multiplex licenses.

## Ports in Wales

52. During the session we undertook a major inquiry into ports in Wales, because we were concerned that Welsh ports were an under-exploited resource that could play a much greater role in Wales’s economic development. This issue was first raised in our inquiry into cross-border transport links and we decided to conduct a separate inquiry in order to specifically study the development of the ports sector.

53. Ports policy is a reserved matter falling within the remit of the Department for Transport, but many policy areas which have a significant influence on port operations, such as transport facilities and services, economic development and land use planning, are the devolved responsibility of the Welsh Assembly Government. We found that the Department for Transport and Welsh Assembly Government have very different approaches to port development, and recommended a fully co-ordinated approach to ports policy. It is essential that the Department for Transport should have a clear understanding of Welsh needs and priorities in order to ensure that the right support is on offer.

54. We concluded that there is significant opportunity for Wales to capitalise on the growth of the leisure cruise market and growing demand for new cruise destinations. The potential for growth is currently being held back by the lack of facilities for liners to berth alongside the port. We were concerned about the lack of clarity from the Department for Transport on the issue of public funding for cruise facilities, which could affect ambitions to develop Wales as a cruise destination, and the Department had not given sufficient consideration to the benefits to local and regional economies from cruise tourism.

55. We heard from witnesses that there was insufficient cross-border co-operation on transport issues. A lack of strategic planning for investment in key routes by the English regions can have a significant impact on routes into/out of Wales serving Welsh ports. We recommended that the Department for Transport and the Welsh Assembly Government work together towards an integrated transport policy that covers all modes of transport.

56. Wales’s ports are key points of entry into the UK for goods and passengers. Witnesses highlighted the potential threat to the UK’s security as a result of ‘high risk’ passengers being able to travel easily from the Republic of Ireland to the Welsh ports. The Committee recognised that there was a need to strengthen co-operation between the range of organisations that help secure Welsh ports. We were particularly concerned by the significant additional pressure that had been placed on the local police force by the

expansion of Milford Haven in recent years, and recommended that additional resources be made available to Dyfed Powys Police to enable it to undertake these activities.

57. We await a response from the Government to our Report.

## 3 Scrutiny of other key issues

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### Examining expenditure plans

58. On 27 October we took evidence from Rt Hon Peter Hain MP, Secretary of State for Wales and one of his Deputy Directors on the *Wales Office Annual Report 2009*. We considered the policy, financing and administration of the department, and also questioned the Secretary of State on the Legislative Competence Orders in Council process, awareness of devolution across Whitehall departments, our inquiries into the provision of cross-border public services for Wales, the Wales Office's relationship with the Ministry of Justice, the work of the Wales Office in supporting Wales during the current economic downturn, and the Barnett Formula. As always we found our discussions on such wide range of matters affecting the whole of Wales extremely constructive.

### Informing debate

59. The Welsh Grand Committee has met on four occasions during this session; on 17 December 2008 to discuss Public Expenditure, on 21 January to discuss the Government's legislative programme as outlined in the Queen's Speech as it relates to Wales, on 6 May 2009 to discuss the Budget Statement, and on 14 October 2009 to discuss our Report *Proposed National Assembly for Wales (Legislative Competence) (Welsh Language) Order 2009*, and its implications for Wales.

60. As always Members of this Committee contributed to all these wide-ranging debates. We were particularly pleased that the Secretary of State agreed to a debate on our work on the Welsh Language Legislative Competence Order once our Report had been published. This provided an opportunity for all Welsh Members to contribute to an informed debate on the Order.

## 4 Examining draft legislation

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### Primary Legislation

61. A core task of select committees identified by the Liaison Committee is “scrutiny of any published draft bill within the committee’s responsibilities”.<sup>5</sup> There were no draft bills within our remit in 2008-09, but our work on Legislative Competence Orders in Council is closely related to this task. Members of this Committee have also contributed a Welsh perspective when Bills with framework powers relating to Wales have been debated in Committee and on the floor of the House.

### Legislative Competence Orders in Council

#### *The Committee’s role in the Legislative Competence process*

62. It is now over two years since the Legislative Competence Order in Council (LCO) procedure came into effect as a mechanism for the National Assembly for Wales to bring forward proposals to extend its lawmaking powers. To date, fifteen proposed Orders have been laid before Parliament and a number of proposals are at an earlier stage in the Assembly. The Welsh Affairs Committee has undertaken pre-legislative scrutiny of each proposed Order laid before the House of Commons.

63. One year after the implementation of the LCO procedure, the then Secretary of State for Wales, Rt Hon Paul Murphy MP, conducted a review of the process, to which we submitted a memorandum. We recommended that we should continue to undertake pre-legislative scrutiny of draft Orders via a thorough evidence-gathering process during which witnesses, including Welsh Assembly Government and UK Ministers, can be questioned regarding the detail and scope of a proposed Order. We noted, however, that this new task had impacted on other work and that additional resources would be necessary to properly support the Committee’s work on LCOs without draining resources from the traditional roles of the Committee. In his review, the Secretary of State agreed that no change to current arrangements was necessary.

64. Our memorandum to the Secretary of State also recommended that there should be a further review of LCOs after two years of operation. Whilst it was appropriate for the Minister to conduct the first of these reviews, we have accumulated significant experience in the pre-legislative scrutiny of proposed Orders. We now have the expertise necessary to conduct our own review on this occasion and it is undoubtedly better for the review to be independent of Government. We have therefore decided to undertake such a review and we are pleased to note that the Secretary of State has welcomed this.

65. We also consider that we are now better placed than we were a year ago to reflect on our experience of the LCO process. At that time, we had completed pre-legislative scrutiny of three Orders, with one more LCO under consideration. Since then, a further eleven proposed Orders have come to us for scrutiny. The LCO system was an unprecedented

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<sup>5</sup> First Report from the Liaison Committee *Annual Report for 2002*, HC 558, Session 2002-03

way to develop legislation and there were no rules to follow. The Welsh Assembly Government, the Assembly Committees, the Wales Office and this Committee were all in uncharted territory, as were officials in Cardiff and in London. It was not just a question of lack of familiarity with the system, but of having to invent the system as we went along. We believe that this Committee has risen to that challenge. We consider that the Assembly has responded very positively – but delays have arisen in negotiations between the Welsh Assembly Government and Whitehall. Simplistic newspaper and media coverage means that most people in Wales are not well informed about the system. Nor do they understand how successful it has been and that it has proposed the transfer of powers over some fifteen areas of decision-making to the Assembly in what is a quite short period of time in legislative terms. As more Orders have come through, some of these difficulties have been resolved without the need for further intervention. In the light of two years' experience, it is easier to distinguish between problems that were largely due to the inevitable teething problems with a new system and improvements we believe could be made to the process itself.

66. We will publish our review shortly. We hope that the Secretary of State, the Welsh Assembly Government, the National Assembly for Wales and others will find it both helpful and informative. We also intend to take the opportunity to dispel some common misperceptions of the LCO system, including inquiring into the sources of any apparent delays in progress, which are generally not to do with any flaws in the Parliamentary process.

***Proposed National Assembly for Wales (Legislative Competence) (Agriculture and Rural Development) Order 2008 relating to the red meat industry***

67. The National Assembly for Wales (Legislative Competence) (Agriculture and Rural Development) Order 2008 was laid before the National Assembly on 22 September 2008. Prior to the Order, the Welsh Levy Board was responsible for promoting the Welsh red meat industry and was empowered to raise funds by a levy on cattle, sheep and pigs slaughtered in Welsh abattoirs. In practice that power had been delegated to Hybu Cig Cymru/Meat Promotion Wales (HCC). The Order would enable a Measure to be brought forward to confer functions in the development, marketing and promotion of the red meat industry in Wales, or the authority to delegate these functions to other bodies, directly upon Welsh Ministers.

68. We agreed that the Welsh Assembly Government had identified a need for additional legislative competence to achieve its policy objectives in this area and concluded that the proposed Order was consistent with the previously announced Welsh Assembly Government policy to retain governmental functions in-house. In addition the proposed Order was in the field of agriculture, where broad powers are already devolved.

69. It was helpful that on this occasion timetabling of the Order in Cardiff Bay and Westminster meant we were able to consider evidence received by the Assembly Committee in advance of our evidence session with the Welsh Minister and the Parliamentary Under-Secretary of State in the Wales Office. We were pleased to hold this oral evidence session in Cardiff. We also, for the first time, held an informal meeting on the Order with Members of the Assembly Committee via video-link. Such co-operative

working and sharing of evidence was a constructive exercise and the informal exchange ensured that both committees were content with the proposed Order. It also formed a constructive pattern for subsequent Orders. Since then we have held a number of informal meetings with members in the Assembly, some by video-link, which has proved to be an effective way of sharing views.

70. In his response to this Report the Secretary of State thanked us for having “undertaken thorough and effective scrutiny of the proposed Order” and was “pleased the Committee concluded that the Welsh Assembly Government has identified a clear need for the Order, and that it represents a useful addition to the Assembly’s powers”.<sup>6</sup>

71. A draft Order was approved by the National Assembly and subsequently laid before both Houses of Parliament. Members of this Committee took part in the Fourth Delegated Legislation Committee on 12 May 2009 when the Draft National Assembly for Wales (Legislative Competence) (Agriculture and Rural Development) Order 2009 was considered.<sup>7</sup> The Parliamentary Under Secretary of State concluded that there was broad consensus in relation to the Measure across the Committee. The House approved the Order on 18 May 2009.

### ***Proposed National Assembly for Wales (Legislative Competence) (Social Welfare) Order 2009 relating to carers***

72. The proposed National Assembly for Wales (Legislative Competence) (Social Welfare) Order 2009 was laid before the National Assembly on 8 December 2008. The proposed Order amended Part 1 of Schedule 5 of the Government of Wales Act 2006 by adding a new Matter, Matter 15.9, into Field 15 (social welfare). The Explanatory Memorandum stated that the proposed Order would:

...enable the Assembly to ensure that the provision of care by carers is supported and that their well-being is promoted. It would, for example, allow for a requirement to be placed on relevant public sector agencies to develop carers information strategies along the lines of the Scottish Legislation in this area; for them to work together effectively to support the provision of care by carers and to promote their well-being (particularly the well-being of young carers) and also for improvement to be made to carers’ access to respite for defined groups.

73. On this occasion, the proposed Order was referred to the Welsh Affairs Committee at the same time as it was referred to the Assembly’s Permanent Legislation Committee No. 3. As a result, our inquiry largely overlapped with that of the Assembly Committee, and our scrutiny took place in co-operation with that Committee. We found the exchange of information extremely productive. This was also the first proposed Order which was referred to one of five Permanent Legislation Committees at the Assembly, an arrangement

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<sup>6</sup> Third Special Report from the Welsh Affairs Committee, *Proposed National Assembly for Wales (Legislative Competence) (Agriculture and Rural Development) Order 2008: Government Response to the Committee’s third Report of Session 2008-09*, HC 410

<sup>7</sup> Fourth Delegated Legislation Committee, *Draft National Assembly for Wales (Legislative Competence) (Agriculture and Rural Development) Order*, 12 May 2009, Session 2008-09

which should enable a continuous relationship and facilitate joint working between the Welsh Affairs Committee and Assembly Committees.

74. We agreed that the proposed Order was consistent with previously announced Welsh Assembly Government policy, and that the Welsh Assembly Government was justified in its proposal of the Legislative Competence Order in Council procedure as the most appropriate legislative route available.

75. The Committee felt concerned that placing new duties on local authorities and health boards could have cross-border implications, but welcomed the news that the Carers Helpline developed by the NHS in England would also be available to Welsh callers.

76. The Committee published its report on 28 April 2009. We recommended several technical amendments, which were agreed upon by the Secretary of State in the Government's response to the Committee's Report, published on 17 June 2009.

77. A draft Order was approved by the National Assembly and subsequently laid before both Houses of Parliament. Members of this Committee took part in the First Delegated Legislation Committee on 19 October when the Draft National Assembly for Wales (Legislative Competence) (Social Welfare) Order 2009 was considered.<sup>8</sup> The Parliamentary Under Secretary of State concluded that "I think that we are all united in ensuring that there is greater support available, so that those carers are aware of their rights and receive the greatest possible support to carry out their caring role". The House approved the Order on 20 October 2009.

### ***Proposed National Assembly for Wales (Legislative Competence) (Welsh Language) Order 2009***

78. The proposed National Assembly for Wales (Legislative Competence) (Welsh Language) Order 2009 was laid before the National Assembly on 2 February 2009. This was a much-anticipated Order, intended to enable the National Assembly to make new legislative provision for promoting and facilitating the use of the Welsh language and the treatment of Welsh and English on the basis of equality; and with respect to the freedom of persons to use Welsh in their dealings with others if they so wish. A principal objective is to enable the National Assembly to build on the foundations currently set by the Welsh Language Act 1993. The categories of bodies that may be subjected to future Welsh language duties were set out in the proposed Order, but within these categories the lists of those upon whom duties will be imposed is a matter for future Assembly legislation.

79. In the case of the Welsh Language LCO, it was important to hear the widest possible range of views from all parts of Welsh society. The Committee took oral evidence from language groups, the Confederation of British Industry, the Federation of Small Businesses, the telecommunications and utilities industries as well as from Ministers and we took evidence in Welsh as part of this inquiry. We also heard from the Catalan government about their experience of language law and examined the experience in Canada, the Basque Country and elsewhere. Our inquiry ran in parallel with that of Assembly Permanent

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<sup>8</sup> Fourth Delegated Legislation Committee, *Draft National Assembly for Wales (Legislative Competence) (Agriculture and Rural Development) Order*, 12 May 2009, Session 2008-09

Legislation Committee No. 5, which enabled us to consult informally with our counterparts in the National Assembly for Wales and to benefit from their perspectives and reflections on the evidence they had received. We were proud to produce a unanimous Report across all four parties particularly given that the LCO had attracted widespread interest and was thought in some quarters to be controversial.

80. For both ourselves and the Assembly committee, the key flaw in the draft was the way its scope was defined. We understand that the intention behind the proposed Order was to require large organisations which have significant dealings with the public in Wales to offer a Welsh language service to the growing number of people who would prefer to use Welsh. At the same time, the aim was to avoid placing an unreasonable burden on small companies or charitable bodies who might struggle to cope. We endorsed that intention, but we were concerned that there should be clarity and equality of treatment for those bodies who are covered by the law and we concluded that changes were needed to the LCO to achieve this. We recommended that the Order should not be based on an exhaustive list of categories and instead should specify the principles that future Measures would need to meet, for example a test of reasonableness, proportionality and a cost-benefit analysis. We also made a number of other recommendations regarding the extent of the scope of the proposed Order, as well as on matters of detailed drafting.

81. We were pleased that the Wales Office, in agreement with the Welsh Assembly Government, implemented a number of changes to the Order and responded in detail to our concerns. These changes included:

- the requirement for a challenge mechanism so that bodies subject to duties under the Order can challenge the reasonableness and proportionality of the duties as they apply to them;
- modifications to the category-based structure of the Order to better align the boundaries of competence and more clearly define the scope;
- increasing the threshold for the receipt of public funds to £400,000 and excluding one-off grants; and
- excluding smaller bodies (such as many of those established by Royal Charter) and shops.

82. In his response, the Secretary of State for Wales thanked the Committee “for undertaking an extremely thorough and valuable scrutiny of this high profile Order, and for producing such a comprehensive report, including some challenging and thought-provoking recommendations”.<sup>9</sup>

83. Subsequently, our Report was debated in the Welsh Grand Committee on 14 October 2009. This debate gave all Welsh Members of Parliament an opportunity to engage with the issues and give their views before a final draft Order was laid before the House for approval. In a most welcome departure from convention, our Chairman opened the

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<sup>9</sup> Welsh Affairs Committee, Seventh Special Report of 2008-09, *Proposed National Assembly for Wales (Legislative Competence) (Welsh Language) Order 2009: Government Response to the Committee's Ninth Report of Session 2008-09*, HC 1024

debate, rather than the Minister. The debate was well-attended and many Members paid tribute to the pre-legislative scrutiny undertaken by the Committee, which has resulted in a much improved Order, better suited to the purpose for which it is designed. In his contribution, the Secretary of State for Wales described our work as “exemplary parliamentary scrutiny at its very best”.<sup>10</sup>

84. A revised draft Order has now been agreed by the National Assembly for Wales and laid before Parliament for approval. The Secretary of State for Wales signalled his intention for the draft Order be considered by the House of Commons before Christmas. This debate took place on 15 December 2009.

### ***Proposed National Assembly for Wales (Legislative Competence) (Environment) Order 2009***

85. The National Assembly for Wales (Legislative Competence) (Environment) Order 2009 was originally laid before the National Assembly on 19 June 2007. Following scrutiny by the Proposed Environmental Protection and Waste Management LCO Committee at the Assembly, a revised Order was subsequently laid before Parliament on 27 April 2009. The Committee published its Report on the proposal on 28 July 2009.

86. During his evidence to us on the *Wales Office Annual Report* on 27 October the Secretary of State acknowledged that there had been a considerable delay in securing Whitehall clearance in the case of this LCO, largely the result of it being one of the first to be laid in the Assembly, and an enthusiasm to “be getting on with things”. The LCO had been in his view “far too broad in scope”.<sup>11</sup> The Secretary of State assured us that should a future LCO affect a number of Whitehall departments, there is now a project team management approach to avoid a similar situation developing in future.

87. We further noted that this Order was particularly complex, and raised concerns over consistency in the definition of terms between and within Matters, the extensive use of exceptions in this proposed Order, the inclusion of floating exceptions and the use of “carve-outs”.

88. Our concerns were reflected by the findings of the House of Lords Select Committee on the Constitution which concluded that the complexity of the LCO was “perilously close to the borderline of what is constitutionally acceptable”. They commented on the opaque nature of the evolving ‘written constitution’ that is the Government of Wales Act 2006. That committee also endorsed our views on the extensive use of exceptions, floating exceptions and carve-outs.<sup>12</sup>

89. We considered that the delegation of powers in the areas covered by this LCO was appropriate as Welsh Ministers already possess significant powers in relation to the environment under existing legislation. We concluded that the LCO would create greater coherence in the powers to legislate with regard to these matters.

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<sup>10</sup> Welsh Grand Committee, Wednesday 14 October 2009, first sitting, Col. 11

<sup>11</sup> Q 10, Oral evidence taken before the Committee on 27 October 2009, HC 1075-i

<sup>12</sup> House of Lords, *The Proposed National Assembly for Wales (Legislative Competence) (Environment) Order 2009* 20<sup>th</sup> Report of the Select Committee on the Constitution, HL Paper 159

90. We await the Secretary of State's response to our Twelfth Report.

***Proposed National Assembly for Wales (Legislative Competence) (Health and Health Services and Social Welfare) Order 2009 relating to mental health***

91. The Committee's fifth examination of a proposed Legislative Competence Order in Council related to the provision of assessment, treatment and advocacy services for those who appear to be suffering from mental health disorder, outside the legal framework of compulsion. The proposed National Assembly for Wales (Legislative Competence) (No.6) Order 2008 (Relating to Provision of Mental Health Services) was laid before the Assembly on 18 February 2008. The proposed Order would confer competency to legislate on the assessment of mental health and treatment of mental disorder. It would also extend the competence of the National Assembly for Wales to provide legislative power in relation to mental health advocacy.

92. The proposed Order was the first Order referred to this Committee to be introduced by a backbench Assembly Member, Jonathan Morgan AM. The Assembly's Proposed Mental Health LCO Committee undertook initial pre-legislative scrutiny and recommended substantial changes to the proposed Order. As a result, the Order was re-drafted before the LCO was laid before Parliament. We welcomed the sequential consideration of the LCO. The revised draft, with changes suggested by the Assembly Committee incorporated, allowed the Committee to scrutinise the considered view of the Assembly as a whole rather than the initial proposal, improving both the process and the outcome. We believe that the sequence of events in this scrutiny process appears to provide a sensible pattern for future consideration of Private Members' LCOs.

93. The Committee also welcomed the high level of co-operation between Jonathan Morgan AM, the Minister for Health and Social Services and the Welsh Assembly Government, and the Wales Office, although we noted Mr Morgan's frustration with the time taken to obtain Whitehall clearance for the proposed Order.

94. We concluded that a clear need for the proposed LCO had been identified and this was consistent with the Government's commitment to making mental health a key priority. We heard evidence that the UK Government does not wish to introduce legislative powers in this area, and concluded that the Legislative Competence Order in Council was the most appropriate legislative route available. We noted that this was the first occasion when a Legislative Competence Order would result in a departure in policy from the settled views of the UK Government.

95. We noted that an unintended consequence of the drafting of the proposed LCO was that it would allow the National Assembly for Wales the ability to disapply in Wales the right to an Independent Mental Health Advocate (IMHA) for those subject to compulsory powers under the 1983 Mental Health Act.

96. We received the Secretary of State's response to our Fourteenth Report shortly before the publication of this Report.

### ***Proposed National Assembly for Wales (Legislative Competence) (Culture and Other Fields) Order 2009***

97. The National Assembly for Wales (Legislative Competence) (Culture and Other Fields) Order 2009 was laid before the National Assembly on 16 June 2009. The principal aim of the proposed Order is to enable the National Assembly to impose statutory duties on county and county borough councils in the provision of cultural services relating to ancient monuments and historic buildings, museums, galleries and libraries, arts and crafts, archives and historical records, cultural activities and projects and sports and recreational activities. The implementation of this legislation would enable greater consistency to be achieved throughout Wales in the range and quality of councils' cultural services, to meet the needs of their communities.

98. We took evidence from Alun Ffred Jones, Minister for Heritage, Welsh Assembly Government, and Wayne David MP, Parliamentary Under Secretary of State at the Wales Office on 5 November 2009. We also held a constructive video link conference in advance of our evidence session, with members of Legislation Committee No. 4 who were considering this Order in the Assembly.

99. We published our Report and recommendations on this LCO on 7 December 2009.

### ***Proposed National Assembly for Wales (Legislative Competence) (Housing) Order 2009 relating to Domestic Fire Safety***

100. Ann Jones, the Assembly Member for the Vale of Clwyd, was successful in the first ballot held on 26 June 2007 permitting members of the National Assembly for Wales to bring forward proposed Legislative Competence Orders in Council. On 10 October 2007 the National Assembly granted leave to proceed with the proposed Order.

101. We criticised the confusion caused by the title of the Order, which had been created, by referring to it as a housing Order. The proposed National Assembly for Wales (Legislative Competence) (Housing) Order 2009 (Relating to Domestic Fire Safety) was laid before the Assembly on 20 February 2008. An Assembly Committee was established to scrutinise the proposed Order and its report was made on 11 June 2008. The Committee recommended that several changes be made, and a revised Order was subsequently laid before Parliament but not until 13 October 2009.

102. The proposed Order would add a single Matter to Field 11 (Housing) in Part 1 Schedule 5 of the Government of Wales Act 2006, empowering the National Assembly for Wales to legislate to require the installation of automatic fire suppression systems in new residential premises.

103. We took evidence from Ann Jones AM, Jane Davidson AM, Minister for Housing, Sustainability and the Environment, Welsh Assembly Government, and Wayne David MP, Parliamentary Under Secretary of State at the Wales Office, on 10 November 2009. Much of our questioning related to why the Welsh Assembly Government had taken so long in deciding to support the LCO. We will publish our Report and recommendations on this Housing LCO before the Christmas recess, and set out ways of preventing such delays in the future.

<b>Draft Order</b>	<b>Received by Welsh Affairs Committee</b>	<b>WAC agreed to conduct scrutiny</b>	<b>Press notice issued</b>	<b>Evidence session(s)</b>	<b>Report published</b>
Proposed National Assembly for Wales (Legislative Competence) Agriculture and rural Development) Order 2008 relating to red meat	6 October 2008	14 October 2008	14 October 2008	15 December 2008	23 February 2009
Proposed National Assembly for Wales (Legislative Competence) (Social Welfare) Order 2009 relating to Carers	8 December	16 December 2008	17 December 2008	2 March 2009	28 April 2009
Proposed National Assembly for Wales (Legislative Competence) (Welsh Language) Order 2009	9 February 2009	10 February 2009	11 February 2009	23 and 30 March; 20 and 27 April	7 July 2009
Proposed National Assembly for Wales (Legislative Competence) (Environment) Order 2009	27 April 2009	28 April 2009	29 April 2009	11 & 25 June, 2 July	28 July 2009
Proposed National Assembly for Wales (Legislative Competence) (Health And Health Services And Social Welfare) Order 2009 relating to Mental Health	21 May 2009	2 June 2009	2 June 2009	2, 9 & 16 July	30 October 2009
Proposed National Assembly for Wales (Legislative Competence) (Culture and Other Fields) Order 2009	1 July 2009	7 July 2009	10 July 2009	5 November 2009	7 December 2009

Proposed National Assembly for Wales (Legislative Competence) (Local Government) Order 2009	14 July 2009	21 July 2009	22 July 2009	24 November 2009	
Proposed National Assembly for Wales (Legislative Competence) (Housing) Order 2009 relating to fire sprinklers	13 October 2009	13 October 2009	14 October 2009	10 November 2009	
Proposed National Assembly for Wales (Legislative Competence) (Education) Order 2009	22 October 2009	27 October 2009	28 October 2009		

## 5 The Committee and Wales

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### Relations with the National Assembly for Wales

104. We have continued to liaise constructively with our colleagues at the National Assembly for Wales during the course of the session. We took oral evidence from Welsh Assembly Ministers on 11 occasions, on 6 occasions as part of our scrutiny of LCOs, and otherwise from Ministers and Assembly officials on our cross-border inquiries. We have had a number of informative informal meetings in Cardiff with Members of Assembly committees on inquiries including English Language Television Broadcasting in Wales and on LCOs. Another innovation has been the holding of a number of informal video conference meetings with members of Assembly committees. These have proved to be a time effective way of discussing our findings, and we look forward to holding further such conferences in the forthcoming session.

105. We look forward to strengthening our already constructive working relationships with Ministers, Committees and individual Assembly Members during the forthcoming session.

### Hearings in Wales and local visits

106. Three of our 34 evidence sessions were held in Wales in this session. We also held additional informal meetings with individuals and organisations in Wales as part of our inquiry into the potential benefits of the 2012 Olympics and Paralympics for Wales on a visit to Newport Sports Stadium, and on our inquiries into digital inclusion in Wales and ports in Wales on a visit to Bangor in May 2009. We took the opportunity to visit the port of Holyhead during our visit to north Wales. Following issues raised by witnesses during our inquiry into cross-border transport services, we visited the Severn Tunnel to see the structure for ourselves and to inform our Report.

### Welsh Language issues

107. Under certain circumstances, the Committee is entitled to conduct its proceedings in Welsh, including taking evidence in Welsh when a witness requests. During 2008-09 we held 4 meetings on the Proposed National Assembly for Wales (Legislative Competence) (Welsh Language) Order 2009, during which 11 witnesses gave oral evidence in Welsh at 3 of the sessions. At the fourth session we were pleased to take evidence from representatives of the Catalan government on their experience of language legislation, the witnesses gave evidence in English, although an interpreter was available. Witnesses from the Welsh Language Board gave evidence in Welsh at our evidence session in Bangor on digital inclusion in Wales.

## 6 Future work

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108. We are currently re-visiting all three strands of our cross-border inquiry to determine what progress has been made on our recommendations, in the light of the Government's responses to our Reports. This new inquiry will also consider cross-border issues in relation to economic development.

109. We have also decided to conduct a follow-up inquiry to our 2007 Report *Welsh prisoners in the prison estate*, following the recent decision by the Ministry of Justice to withdraw its interest in building a new prison at the former Dynamex site near Caernarfon in north Wales.

110. During our wide ranging inquiry into cross-border public services for Wales, and the evidence we received on the proposed closure of the Legal Services Commission Office in Cardiff, it became clear to us that there are problems relating to the understanding and observation of the devolution settlement within Whitehall and poor consultation with Welsh stakeholders. In the new year we are therefore undertaking a new inquiry into co-operation and consultation between Wales and Whitehall.

111. We will also continue our work on a range of proposed draft Legislative Competence Orders in Council as they are laid in the House. We have been disappointed by the sometimes inaccurate and negative portrayal of our work on Legislative Competence Orders, and the widely held misapprehension that we are responsible for delays in the progress of these Orders. We will continue to scrutinise thoroughly and expeditiously proposed Legislative Competence Orders in Council when referred to us by the Secretary of State for Wales, and indeed have already reported on one LCO relating to Culture since the start of the current session of Parliament. We will strive even more vigorously to explain the virtues and quality of our scrutiny work in this field.

112. As devolution results in increasingly divergent policy and legislation in England and Wales, we consider it particularly important that Wales's interests should be protected at UK-level. We believe that our scrutiny role is an important part of making sure this happens. It could be that Machinery of Government changes after the General Election mean that the Welsh Affairs Committee ceases to exist in its current form. Should this be the case, we would strongly urge the House to ensure that Welsh interests, including the pre-legislative scrutiny of LCOs, are safeguarded within any new committee structure which may be established. We would expect that a Welsh Affairs Committee appointed in the next Parliament would maintain its right to summon ministers of the Welsh Assembly Government to give oral evidence when the Committee considers it appropriate.

113. The range of inquiries we have undertaken has led to some variation in the quality and timeliness of responses we have received from government departments. We were extremely disappointed that a response from the Department of Health to our Report on the provision of cross-border health services for Wales was delayed for 6 months. However the Government has responded in a timely manner to our other reports, and we have generally been content with the Government's constructive comments in response to the majority of our recommendations.

114. We have made significant efforts to engage with the Welsh public and will continue to do so by ensuring that our inquiries cover issues which are of major significance to the everyday lives of the people of Wales. We will continue to hold public evidence sessions at different locations throughout Wales during the forthcoming session, and will also engage with our Welsh speaking constituents, including taking evidence in Welsh when appropriate.

## Annex A: Subjects covered by the Committee in 2008-09

Subject	Evidence Sessions held in 2008-09	Sub Committee	Outcome
Cross-border provision of public services for Wales: Further and higher education	0 (5 in Session 2007-08)		Report published 16 January 2009
Globalisation and its impact on Wales	0 (17 in Session 2006-07; 12 in Session 2007-08)		Report published 12 February 2009
Proposed Legislative Competence Order (Agriculture and Rural Development) Order relating to the red meat industry	1		Report published 23 February 2009
The provision of cross-border health services for Wales	0 (7 in session 2007-08)		Report published 27 March 2009
Proposed Legislative Competence Order (Social welfare) Order relating to carers	1		Report published 28 April 2009
Legal Services Commission Cardiff Office	1		Report published 1 May 2009
Potential Benefits of the 2012 Olympics and Paralympics for Wales	2		Report published 22 May 2009
Proposed Legislative Competence Order (Welsh Language) Order	4		Report published 7 July 2009
Cross-border provision of public services for Wales: Transport	3 (4 in session 2007-08)		Report published 17 July 2009
English Language Television Broadcasting in Wales	1		Report published 22 July 2009
Proposed Legislative Competence Order (Environment) Order	3		Report published 28 July 2009
Digital Inclusion in Wales	7		Report published 4 August 2009

Subject	Evidence Sessions held in 2008-09	Sub Committee	Outcome
Proposed Legislative Competence Order (Health And Health Services and Social Welfare relating to mental health	3		Report published 30 October 2009
Ports in Wales	6		Report published 6 November 2009
Wales Office Annual Report 2009	1		Evidence to be published
Potential Benefits of the 2012 Olympics and Paralympics for Wales: Follow-up on Pre-Games Training Camps	1		Evidence to be published
The Proposed National Assembly for Wales (Legislative Competence) (Culture and Other Fields) Order 2009	1		Report published 7 December 2009
Proposed National Assembly for Wales (Legislative Competence) (Housing) Order 2009 relating to Domestic Fire Safety	1		Report in preparation

## Annex B: Visits by the Committee in 2008-09

Location	Purpose of visit
Brussels	Hywel Williams MP attended a conference on multilingualism
National Assembly for Wales, Cardiff	Evidence session on the Proposed Legislative Competence Order (Agriculture and Rural Development) Order relating to the red meat industry
International sports Village, Newport, Gwent	Inquiry into the Potential Benefits of the 2012 Olympics and Paralympics for Wales, visit and evidence session
University of Bangor, Gwynedd	Inquiries into digital Inclusion in Wales and Ports in Wales, visits and evidence session
Severn Tunnel	Inquiry into the Cross-border provision of public services for Wales: Transport
Baltic Ports	Inquiry into Ports in Wales

## Annex C: Estimates Memorandum

### *Spring Supplementary Estimate*

This memorandum provides information relating to the Spring Supplementary Estimate being sought by the Wales Office. The provision for the Wales Office (including the Grant to the Welsh Consolidated Fund) is carried as a separate Request for Resources on the Supply Estimate for the Ministry of Justice.

The table at Annex A reconciles spending aggregates of the Welsh Assembly Government with the grant payable to the Welsh Consolidated Fund.

### *Wales Office*

In the Supplementary, the DEL provision for the administration of the Wales Office (which is ring fenced within the overall Ministry of Justice (MoJ) DEL) will not change.

Wales Office spending is contained within single Ministry of Justice Departmental Expenditure Limit and Administration Costs Limit.

The Welsh Assembly Government's Departmental Expenditure Limit is increased by £99,949,000 from £14,256,819,000 to £14,356,768,000. The increase is a result of:

Take-up of £68,800,000 EYF - Capital

Capital re-profiling of £28,180,000 from 2010-11 financial year

Transfer of £66,000 Near-Cash from the Department for Children, Schools and Families

Transfer of £17,000 Near-Cash to the Department of Industry, University and Skills

Increase of £2,920,000 Capital as a result of additional allocations given in the Pre-Budget Report for the Warm Front initiative.

A switch of £20,000,000 from non-cash to near cash DEL.

The transfer from the Department for Children, Schools and Families is for the Child Poverty Innovation Fund, and the transfer to the Department of Industry, University and Skills is for the Government Skills Initiative. The re-profiling of capital from 2010-11 and the increase of £2,920,000 capital are as a result of the Pre-Budget Report.

The transfers will be offset within the budgets of DCSF and DIUS and the take up of End Year Flexibility will be charged to the Reserve and will not therefore add to the planned total of public expenditure. The capital reprofiling and Warm Front additions will be met by an increase in the planned total of public expenditure as announced in the 2008 PBR.

The table at Annex A summarises the effect on the grant payable to the Welsh Consolidated Fund. In the Winter Supplementary round, the Welsh Consolidated Fund grant was not adjusted, as it is not possible to present negative supplementary estimates. The final figure agreed for the Spring Supplementary Estimate is therefore net of the reduction implied in the Winter Supplementary.

The Provision of the Wales Office has not changed in the Spring Estimates.

Alan Cogbill  
Accounting Officer  
Wales Office

## ANNEX A

	2008-09 Main Estimates	Excluding Depreciation	Changes	2008-09 Winter Estimates	Excluding Depreciation	Changes	2008-09 Spring Estimates	Excluding Depreciation
Expenditure Classified as DEL	14,555,005	14,271,678	-14,859	14,540,146	14,256,819	99,949	14,640,095	14,356,768
Expenditure Classified as AME	513,790	513,790	8,425	522,215	522,215	155,010	677,225	677,225
Total Managed Expenditure	15,068,795	14,785,468	-6,434	15,062,361	14,779,034	254,959	15,317,320	15,033,993
Less:								
Non Voted expenditure:								
LA Credit Approvals	163,396	163,396	0	163,396	163,396	0	163,396	163,396
Other Non-Voted	5,172	5,172	0	5,172	5,172	0	5,172	5,172
Resource Non Cash	509,594	226,267	0	509,594	226,267	-20,000	489,594	206,267
AME Non-cash	399,471	399,471	31,497	430,968	430,968	137,112	568,080	568,080
TOTAL NON VOTED TME	1,077,633	794,306	31,497	1,109,130	825,803	117,112	1,226,242	942,915
TOTAL VOTED TME	13,991,162	13,991,162	-37,931	13,953,231	13,953,231	137,847	14,091,078	14,091,078
Voted receipts								
Contributions from the National Insurance Fund	-968,870	-968,870	0	-968,870	-968,870	-17,207	-986,077	-986,077
NDR Receipts	-853,500	-853,500	0	-853,500	-853,500	-23,900	-877,400	-877,400
Total	-1,822,370	-1,822,370	0	-1,822,370	-1,822,370	-41,107	-1,863,477	-1,863,477
Plus								
Housing Stock Transfer - Conwy	0	0	31,584	31,584	31,584	0	31,584	31,584
Stock Transfers - Merthyr and Newport						94,902	94,902	94,902
EU Repayment						13,581	13,581	13,581
TOTAL GRANT TO WELSH CONSOLIDATED FUND	12,168,792	12,168,792	-6,347	12,162,445	12,162,445	205,223	12,367,668	12,367,668
<b>WALES OFFICE</b>								
Expenditure Classified as DEL	7,683		235	7,918				

## Annex D: Welsh Affairs Committee Sessional Return 2008-09

The Committee was nominated by the House of Commons on 19 July 2005.

<b>Members</b>	<b>Meetings attended</b>
Francis, Dr Hywel (Chairman)	43 out of 44
Davies, David T. C.	5 out of 44
Griffith, Nia	13 out of 44
James, Mrs Sian C	22 out of 44
Jones, Mr David	33 out of 44
Jones, Mr Martyn	9 out of 44
Michael, Alun	40 out of 44
Owen, Albert	20 out of 44
Pritchard, Mark	12 out of 44
Williams, Hywel	34 out of 44
Williams, Mark	31 out of 44

<b>Overall Attendance:</b>	<b>54.1 %</b>
Total number of meetings:	44
Of which:	
Number of meetings at which oral evidence was taken	34
Number of times oral evidence was taken partly or wholly in private	0
Number of wholly private meetings	10
Number of concurrent meetings with other committees	0

### *Other activities*

Informal meetings	9
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### *Staff*

Details of the permanent staff of the Committee during the Session can be found in the Committee's publications.

### *Specialist Advisers during the Session*

Khalid Bichou, Dr Diarmait MacGiolla Chriost, Professor Luke Clements, Professor Stuart Cole, Dr Maeve Conrick, Professor Iwan Davies, Dr Tom Entwistle, Professor Phil Fennell, Ellen Hesper, Mr Robert Humphreys, Professor Robert Lee, Professor Marcus Longley, Professor Terry Marsden, Professor Steve Martin, Professor Kevin Morgan, Professor Max Munday, Professor Keith Patchett, Jonathan Rees, Dr Diane Seddon, Professor Steve Wilcox, Professor Kevin Williams and Christopher Yewlett.

### *Witnesses*

Oral evidence was given during the Session by the following categories of witnesses:

Number of appearances by:	
Cabinet Ministers	2
Other Ministers	11
Members of the House of Lords	2
Welsh Assembly Government Ministers	11
Members of the National Assembly for Wales	2
Number of appearances by officials from, or representatives of:	
Wales Office	3
Welsh Assembly Government	2
Number of appearances by officials from, or representatives of, public bodies and non-Ministerial departments comprising:	
European Commission Officials	1
Appearances by other witnesses	78

*Overseas Visits*

<b>Date</b>	<b>Destination</b>	<b>Members</b>	<b>Staff</b>	<b>Purpose</b>	<b>Cost</b>
14-18.6.09	Baltic Ports	Francis, James, D Jones, Owen, Pritchard, H Williams, M Williams	2	Inquires into Digital Inclusion and Ports in Wales	£16,961.87

*Visits to European Institutions*

<b>Date</b>	<b>Destination</b>	<b>Members</b>	<b>Staff</b>	<b>Purpose</b>	<b>Cost</b>
8-9.12.08	Brussels <sup>A</sup>	H Williams	0	EU conference on Multilingualism	£567.00

<sup>A</sup> Travel in a representative capacity

*UK Visits*

<b>Date</b>	<b>Destination</b>	<b>Members</b>	<b>Staff</b>	<b>Purpose</b>	<b>Cost</b>
15.12.08	Cardiff	Francis, Michael, H Williams, M Williams	3 <sup>A</sup>	Inquiry into the National Assembly for Wales (Legislative Competence) (Agriculture and Rural Development) Order 2008	£512.15
19.1.09	Newport, Gwent	Francis, Griffith, H Williams	3 <sup>A</sup>	Inquiry into the potential benefits of the 2012 Olympic and Paralympic games for Wales	£1,011.05
10-12.5.09	Bangor	Francis, D Jones, M Jones, Michael, Owen	4 <sup>A</sup>	Inquiries into Digital Inclusion and Ports in Wales	£3,072.79
18.5.09	Severn Tunnel	Francis, James, Michael, H Williams	1	Inquiry into the provision of cross-border public services for Wales	£777.63

<sup>A</sup> Includes 1 shorthand writer

## Reports and Oral and Written Evidence

<b>Title</b>	<b>HC No. (2008–09)</b>	<b>Date of publication</b>	<b>Government reply</b>
First Report: <i>Cross-border public services for Wales: Further and higher education</i>	57	16.1.09	Received 16.3.09: published as Second Special Report, Session 2008-09
Second Report: <i>Globalisation and its impact on Wales</i>	184-I,II	12.2.09	Received 30.4.09: published as Fourth Special Report, Session 2008-09
Third Report: <i>The National Assembly for Wales (Legislative Competence) (Agriculture and Rural Development) Order 2008</i>	5	23.2.09	Received 24.3.09: published as Third Special Report, Session 2008-09
Fourth Report: <i>Work of the Committee Report 2007–08</i>	325	21.2.09	Not applicable
Fifth Report: <i>The provision of cross-border health Services for Wales</i>	56	27.3.09	Cm 7647, published 16.6.09
Sixth Report: <i>Proposed National Assembly for Wales (Legislative Competence) (Social Welfare) Order 2009</i>	306	28.4.09	Received 1.6.09: published as Fifth Special Report, Session 2008-09
Seventh Report: <i>Legal Services Commission Cardiff Office</i>	374	1.5.09	Received 23.6.09: published as Sixth Special Report, Session 2008-09
Eighth Report: <i>Potential Benefits of the 2012 Olympics and Paralympics for Wales</i>	162	22.5.09	Cm 7681, published 23.7.09
Ninth Report: <i>Proposed National Assembly for Wales (Legislative Competence) (Welsh Language) Order 2009</i>	348	7.7.09	Received 6.10.09: published as Seventh Special Report, Session 2008-09
Tenth Report: <i>Cross-border provision of public services for Wales: Transport</i>	58	17.7.09	Received 28.10.09: published as Ninth Special Report, Session 2008-09
Eleventh Report: <i>English Language Television Broadcasting in Wales</i>	502	22.7.09	Cm 7713, published 22.9.09
Twelfth Report: <i>Proposed National Assembly for Wales (Legislative Competence) (Environment) Order 2009</i>	678	28.7.09	Awaited
Thirteenth Report: <i>Digital Inclusion in Wales</i>	305	4.8.09	Received 28.9.09: published as Eighth Special Report, Session 2008-09
Fourteenth Report: <i>Proposed National Assembly for Wales (Legislative Competence) (Health And Health Services And Social Welfare) Order 2009</i>	778	30.10.09	Awaited

<b>Title</b>	<b>HC No. (2008–09)</b>	<b>Date of publication</b>	<b>Government reply</b>
Fifteenth Report: <i>Ports in Wales</i>	601	6.11.09	Awaited
First Special Report: <i>The proposed draft National Assembly for Wales (Legislative Competence) (Housing) Order 2008: Government Response to the Committee's Seventh Report of Session 2007–08</i>	200	3.2.09	Not applicable
Second Special Report: <i>The Provision of cross-border public services for Wales: Further and Higher Education: Government Response to the Committee's First Report of Session 2008–09</i>	378	30.3.09	Not applicable
Third Special Report: <i>Proposed National Assembly for Wales (Legislative Competence) (Agriculture and Rural Development) Order 2008: Government Response to the Committee's Third Report of Session 2008–09</i>	410	6.5.09	Not applicable
Fourth Special Report: <i>Globalisation and its impact on Wales: Government Response to the Committee's Second Report of Session 2008–09</i>	538	18.5.09	Not applicable
Fifth Special Report: <i>The National Assembly for Wales (Legislative Competence) (Social Welfare) Order 2009: Government Response to the Committee's Sixth Report of Session 2008–09</i>	605	17.6.09	Not applicable
Sixth Special Report: <i>Legal Services Commission Cardiff Office</i>	825	3.7.09	Not applicable
Seventh Special Report: <i>Proposed National Assembly for Wales (Legislative Competence) (Welsh Language) Order 2009: Government Response to the Committee's Ninth Report of Session 2008–09</i>	1024	15.10.09	Not applicable
Eighth Special Report: <i>Digital Inclusion in Wales: Government Response to the Committee's Thirteenth Report of Session 2008–09</i>	1050	22.10.09	Not applicable
Ninth Special Report: <i>Cross-border provision of public services for Wales: Transport: Government Response to the Committee's Tenth Report of Session 2008–09</i>	1099	5.11.09	Not applicable
Written Evidence: <i>Cross-border public services for Wales: follow-up</i>		27.10.09	Not applicable

<b>Title</b>	<b>HC No. (2008-09)</b>	<b>Date of publication</b>	<b>Government reply</b>
Written Evidence: <i>The Proposed National Assembly for Wales (Legislative Competence) (Local Government) Order 2009</i>		27.10.09	Not applicable
Oral and Written Evidence: <i>Wales Office Annual Report 2009</i>	1075-i	27.10.09	Not applicable
Oral and Written Evidence: <i>Potential Benefits of the 2012 Olympics and Paralympics for Wales: follow up</i>	1097-i	3.11.09	Not applicable
Oral Evidence: <i>Proposed National Assembly for Wales (Legislative Competence) (Culture and Other Fields) Order 2009</i>	1098-i	5.11.09	Not applicable
Oral and Written Evidence: <i>The Proposed National Assembly for Wales (Legislative Competence) (Housing) Order 2009</i>	1110-i	10.11.09	Not applicable

### *Government replies to Reports for Session 2007-08*

Reply to the Committee's Sixth Report: The provision of cross-border health services for Wales: Interim Report, published as Cm 7531 (26.1.09).

### *Formal Minutes*

The Formal Minutes of the Committee were published electronically after each meeting of the Committee. They are available on the Committee's website at <http://www.parliament.uk/welshcom>.

### *Divisions*

None.

### *Debates*

The Committee's Ninth report National Assembly for Wales (Legislative Competence) (Welsh Language) Order 2009 was the subject of debate in the Welsh Grand Committee on 14 October 2009. Further details can be found in the Committee's Sessional Report.

### *Number of oral evidence sessions for each inquiry during the Session*

<b>Inquiry</b>	<b>Number of oral evidence sessions</b>
Digital Inclusion in Wales	7
English Language Broadcasting in Wales	1
Legal Services Commission, Cardiff Office	1
Ports in Wales	6

<b>Inquiry</b>	<b>Number of oral evidence sessions</b>
Proposed National Assembly for Wales (Legislative Competence) (Culture and Other Fields) Order 2009	1
Proposed National Assembly for Wales (Legislative Competence) (Health and Health Services and Social Welfare) Order 2009.	2
Proposed National Assembly for Wales (Legislative Competence) (Agriculture and Rural Development) Order 2008	1
Proposed National Assembly for Wales (Legislative Competence) (Environment) Order 2009	3
Proposed National Assembly for Wales (Legislative Competence) (Social Welfare) Order 2009, relating to Carers	1
The Potential Benefits of the 2012 Olympics and Paralympics for Wales	2
The Potential Benefits of the 2012 Olympics and Paralympics for Wales: Follow-up	1
Proposed Legislative Competence Order in Council on Housing relating to Domestic Fire Safety	1
Proposed National Assembly for Wales (Legislative Competence) (Welsh Language) Order 2009	4
The provision of cross-border public services for Wales	3
Wales Office Annual Report 2009	1
<b>Total</b>	<b>35<sup>13</sup></b>

<sup>13</sup> On one occasion the Committee's meeting comprised two separate evidence sessions.

# Formal Minutes

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**Tuesday 15 December 2009**

Members present:

Dr Hywel Francis, in the Chair

Nia Griffith  
David Jones  
Mr Martyn Jones  
Alun Michael

Albert Owen  
Hywel Williams  
Mark Williams

Draft Report (*Work of the Committee 2008-09*) proposed by the Chairman, brought up and read.

*Ordered*, That the Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 114 read and agreed to.

Annexes agreed to.

*Resolved*, That the Report be the Third Report of the Committee to the House.

*Ordered*, That the Chairman make the Report to the House.

[Adjourned till Tuesday 15 December at 2.00 pm]

# List of Reports from the Committee during the current Parliament

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## Session 2009-10

First Report	The Proposed National Assembly for Wales (Legislative Competence) (Culture and other fields) Order 2009	HC 40
Second Report	Proposed National Assembly for Wales (Legislative Competence) (Housing) Order 2009 relating to Domestic Fire Safety	HC 142
Third Report	Work of the Committee 2008-09	HC 154

## Session 2008-09

First Report	Cross-border provision of public services for Wales: Further and higher education	HC 57
Second Report	Globalisation and its impact on Wales	HC 184 –I, II
Third Report	Proposed National Assembly for Wales (Legislative Competence) (Agriculture and Rural Development) Order 2008	HC 5
Fourth Report	Work of the Committee 2007-08	HC 252
Fifth Report	The provision of cross-border health services for Wales	HC 56
Sixth Report	Proposed National Assembly for Wales (Legislative Competence) (Social Welfare) Order 2009	HC 306
Seventh Report	Legal Services Commission Cardiff Office	HC 374
Eighth Report	Potential Benefits of the 2012 Olympics and Paralympics for Wales	HC 162
Ninth Report	The proposed National Assembly for Wales (Legislative Competence) (Welsh Language) Order 2009	HC 348
Tenth Report	Cross-border provision of public services for Wales: Transport	HC 58
Eleventh Report	English Language Television Broadcasting in Wales	HC 502
Twelfth Report	Proposed National Assembly for Wales (Legislative Competence) (Environment) Order 2009	HC 678
Thirteenth Report	Digital Inclusion in Wales	HC 305
Fourteenth Report	Proposed National Assembly for Wales (Legislative Competence) (Health And Health Services And Social Welfare) Order 2009	HC 778
Fifteenth Report	Ports in Wales	HC 601
First Special Report	The proposed draft National Assembly for Wales (Legislative Competence) (Housing) Order 2008: Government Response to the Committee's Seventh Report of Session 2007–08	HC 200

Second Special Report	Cross-border provision of public services for Wales: further and higher education: Government Response to the Committee's First Report of Session 2008-09	HC 378
Third Special Report	Proposed National Assembly for Wales (Legislative Competence) (Agriculture and Rural Development) Order 2008: Government Response to the Committee's Third Report of Session 2008-09	HC 410
Fourth Special Report	Globalisation and its impact on Wales: Government Response to the Committee's Second Report of Session 2008-09	HC 538
Fifth Special Report	The National Assembly for Wales (Legislative Competence) (Social Welfare) Order 2009: Government Response to the Committee's Sixth Report of Session 2008-09	HC 605
Sixth Special Report	Legal Services Commission Cardiff Office: Government Response to the Committee's Seventh Report of Session 2008-09	HC 825
Seventh Special Report	Proposed National Assembly for Wales (Legislative Competence) (Welsh Language) Order 2009: Government Response to the Committee's Ninth Report of Session 2008-09	HC 1024
Eighth Special Report	Digital Inclusion in Wales: Government Response to the Committee's Thirteenth Report of Session 2008-09	HC 1050
<b>Session 2007-08</b>		
First Report	Energy in Wales: follow up inquiry	HC 177
Second Report	The proposed Legislative Competence Order in Council on additional learning needs	HC 44
Third Report	Work of the Committee in 2007	HC 325
Fourth Report	The proposed National Assembly for Wales (Legislative Competence) Order in the field of social welfare 2008	HC 257
Fifth Report	The proposed draft National Assembly for Wales (Legislative Competence) (social welfare and other fields) Order 2008	HC 576
Sixth Report	The provision of cross-border health services for Wales: Interim Report	HC 870
Seventh Report	The proposed draft National Assembly for Wales (Legislative Competence) (Housing) Order 2008	HC 812
First Special Report	The proposed Legislative Competence Order in Council on additional learning needs: Government response to the Committee's Second Report of Session 2007-08	HC 377
Second Special Report	Energy in Wales – follow-up inquiry: Government Response to the Committee's First Report of Session 2007-08	HC 435
Third Special Report	The proposed National Assembly for Wales (Legislative Competence) Order in the field of social	HC 715

welfare 2008: Government Response to the  
Committee's Fourth Report of Session 2007-08**Session 2006-07**

First Report	Work of the Committee in 2005-06	HC 291
Second Report	Legislative Competence Orders in Council	HC 175
Third Report	Welsh Prisoners in the Prison Estate	HC 74
First Special Report	Government Response to the Committee's Second Report of Session 2006-07, Legislative Competence Orders in Council	HC 986

**Session 2005-06**

First Report	Government White Paper: Better Governance for Wales	HC 551
Second Report	Proposed Restructuring of the Police Forces in Wales	HC 751
Third Report	Energy in Wales	HC 876-I
Oral and written Evidence	Energy in Wales	HC 876-II
Fourth Report	Future of RAF St Athan	HC 1129
Fifth Report	Current Restructuring of the Police Forces in Wales	HC 1418
Oral and written Evidence	NHS Dentistry in Wales	HC 771-i
First Special Report	Government Response to the Committee's Second and Third Reports of Session 2004-05, Manufacturing and Trade in Wales and Public Services Ombudsman (Wales) Bill	HC 433
Second Special Report	Government Response to the Committee's Fourth Report of Session 2004-05, Police Service, Crime and Anti-Social Behaviour in Wales	HC 514
Third Special Report	Government Response to the Committee's First Report of Session 2005-06, Government White Paper: Better Governance for Wales	HC 839
Fourth Special Report	Government Response to the Committee's Second Report of Session 2005-06, Proposed Restructuring of the Police Forces in Wales	HC 1431
Fifth Special Report	Government Response to the Committee's Third Report of Session 2005-06, Energy in Wales	HC 1656
Sixth Special Report	Government Response to the Committee's Fourth Report of Session 2005-06, Future of RAF St Athan	HC 1657
Seventh Special Report	Government Response to the Committee's Fifth Report of Session 2005-06, Current Restructuring of the Police Forces in Wales	HC 1695